

Notice of Allowability

Application No.

10/649,349

Examiner

Hugh B. Thompson II

Applicant(s)

REMMERS, DENNIS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview of 2-14-05.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12-14-05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Greeson on February 14, 2005.

The application has been amended as follows:

Abstract, line 3, "means" has been changed to --mechanism--.

Claim 1:

Line 2, "locking tab aperture" has been changed to --pair of locking tab apertures--.

Line 6, "the" has been changed to --a--.

Lines 7 and 26 "member" has been changed to --beam--.

Lines 11 and 15, after "pair", --of leg members-- has been inserted.

Line 13, "pairs" has been changed to --pair of leg members--.

Line 15, "said second" has been changed to --second--.

Lines 16 and 17, "where", has been changed to --wherein--.

Lines 16 and 19, "first leg pair" has been deleted.

Line 16, after "members", --of the first pair of leg members-- has been inserted.

Line 17, "second leg pair" has been deleted.

Line 18, after "members", --of the second pair of leg members-- has been inserted.

Lines 19, 21, and 22, after "whereby", --each of-- has been inserted.

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Lines 19-20, "and said second leg pair first and second leg members" has been deleted.

Line 23, "legs" has been changed to --leg members--.

Line 23, after "from", --the respective-- has been inserted.

Line 24, after "of", --each of-- has been inserted.

Line 25, "said first" has been changed to --the--.

Line 28, after "to", --respective-- has been inserted.

Line 29, after "and", --each of-- has been inserted.

Line 30, before "locking", --respective-- has been inserted.

Claim 2, line 2, "lease tab member" has been changed to --release tab members--.

Claim 2, line 3, "locking tab aperture" has been changed to --respective locking tab apertures--.

Claim 3, line 2, "first leg pair" has been deleted.

Claim 3, line 3, after "members", --of the first pair of leg members-- has been inserted.

Claim 3, line 4, "second leg pair" has been deleted, and after "members", --of the second pair of leg members-- has been inserted.

The following is an examiner's statement of reasons for allowance: the primary reason for allowance is the inclusion of leg members pivotally attached to respective pivotal leg support means, the pivotal leg support means being coplanar with the long axis of the support beam when movable between the first and second (deployed) positions, the leg members movable

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between a first position juxtaposed along their lengths and a second expanded position divergent from each other and orthogonal to the long axis of the support member, and leg release tab members receivable within respective locking tab apertures of the support beam when the pivotal leg support means are in the second deployed position. See claim 1, lines 8-33. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

February 14, 2005